

IN THE CASE OF: ██████████

BOARD DATE: 14 June 2024

DOCKET NUMBER: AR20230011358

APPLICANT REQUESTS: exception to policy (ETP) for entitlement to Continuation Pay (CP) Blended Retirement System (BRS).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- BRS Request Packet:
 - U.S. Army Reserve (USAR) Form 26-R (Transmittal Letter)
 - Personnel Action Packet Checklist
 - DD Form 577 (Appointment/Termination Record - Authorized Signature)
 - Request for CP (BRS)
 - Thrift Savings Plan (TSP) Account Statement
 - Leave and Earnings Statement (LES), 1 August 2023
 - Memorandum, Subject: Request for ETP on BRS CP, 17 July 2023

FACTS:

1. The applicant states he requests an ETP for enrollment into CP BRS as he initially submitted his packet, but it was never submitted by his unit. The error is of no fault of his own.
2. A review of the applicant's service records show:
 - a. On 7 October 2010, he enlisted in the USAR.
 - b. On 29 August 2022, Headquarters, 88th Readiness Division issued Orders Number 22-241-00096 promoting him to the rank/grade of staff sergeant (SSG)/E-6, effective 1 September 2022.
 - c. DA Form 5016 (Retirement Accounting Statement), dated 6 November 2023 reflects his Pay Entry Basic Date (PEBD) as 7 October 2010.
 - d. He completed 12 years of service on 7 October 2022.

3. The applicant provides the CP BRS Request Packet to include the following documents:

- a. USAR Form 26-R showing he submitted his CP BRS request packet on 12 April 2023.
- b. Personnel Action Packet Checklist showing the forms included in the request for CP BRS.
- c. DD Form 577 showing he was appointed by his immediate commander as the certifying officer for CP BRS requests.
- d. Request for CP BRS, dated 6 April 2023 showing he requested CP BRS at 4 times his monthly basic pay to be paid in a lump sum in return for 4-years of additional obligated service with block 6 (control number) and block 11 (approval authority signature) being void of an entry.
- e. TSP Account Statement as part of his CP BRS packet.
- f. LES dated 1 August 2023 as part of his CP BRS packet showing matching contributions for TSP. The retirement plan block is void of an entry.
- g. Memorandum, Subject: Request for ETP on BRS CP, dated 17 July 2023 wherein his immediate commander requested eligibility outside of the current eligibility requirements as the unit was experiencing full time staff changes causing his packet to be delayed with no action taken. The delay was due to no fault of his own.

4. On 1 December 2023, in the processing of this case, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion recommending disapproval of the applicant's request stating:

- a. After careful review of the information provided, this office does not support the applicant's request due to incomplete and missing data on the CP form. In accordance with Army Regulation (AR) 637-1 (Army Compensation and Entitlements Policy), dated 26 July 2021, the CP application must be completed in its entirety prior to submission for payment. The CP application is missing block 6 (control number), and block 11 (approval authority printed name, rank, signature, and date). The missing information is required should the request for payment be favorably considered.
- b. Supporting documentation properly completed would indicate the authorized multiplier and compliance with additional service obligation requirement for CP for Calendar Year 2022.

5. On 11 December 2023, the applicant was provided with a copy of the advisory opinion to provide a response. As of 26 December 2023, he did not respond.
6. On 6 June 2024, the analyst of record emailed the applicant requesting a completed CP BRS Request Form. As of 11 June 2024, he did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the Program Analyst for the Compensation and Entitlements Division of the Office of the Deputy Chief of Staff G-1, the Board concurred with the advising official finding the applicant's request lacked data on the Continuation Pay form making it incomplete for submission and approval. The Board recommends the applicant complete the required application in its entirety and submit through the appropriate organization for processing. The Board concluded there was no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

7/1/2024

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CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 37 United States Code (USC), section 356 (CP) states, the Secretary concerned shall pay CP under subsection (a) to a full Thrift Savings Plan (TSP) member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service. Enters into an agreement with the Secretary to serve for not less than three additional years of obligated service. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

2. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full Thrift Savings Plan (TSP) Member with 12-Years of Service), (a) CP, the Secretary concerned shall make a payment of CP to each full TSP member of the uniformed services under the jurisdiction of the Secretary who:

- completes 12 years of service; and
- enters into an agreement with the Secretary to serve for an additional 4-years of obligated service

Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

3. Deputy Secretary of Defense Memorandum dated 27 January 2022, Subject: Blended Retirement System Continuation Pay – Calendar Year 2022, implements guidance for the BRS for the Uniformed Services, which was authorized in Public Law 114-92 section 631 through 635 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016. A member who is covered under the BRS and is between 10 and no more than 12 years of service, as computed from the Soldier's PEBD. For those eligible to apply for CP during CY22, the CP amount will be computed using their current pay grade and years of service as listed on the monthly basic pay table provided by the Defense Finance and Accounting Service in effect on the date the of the Soldier's request. For USAR serving in the Selected Reserve, CP is 4 times the active duty monthly basic pay.

4. AR 637-1 (Army Compensation and Entitlements Policy), provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

//NOTHING FOLLOWS//